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CLINCHFIELD COAL CORPORATION *v.* BROOKS.

Nov. 11, 1915.

[86 S. E. 829.]

**Pleading (§ 317\*)—Declaration—Bill of Particulars.**—In assumpsit, where the declaration does not distinctly state the several items of plaintiff's claim, it is error to deny a request that plaintiff be required to file a bill of particulars; Code 1904, § 3248, providing that in assumpsit the plaintiff shall file with his declaration an account stating distinctly the several items of his claim, unless it be plainly described in the declaration.

[Ed. Note.—For other cases, see Pleading, Cent. Dig. §§ 954-962; Dec. Dig. § 317.\* 2 Va.-W. Va. Enc. Dig. 377.]

Error to Circuit Court, Dickenson County.

Action by William M. Brooks against the Clinchfield Coal Corporation.

Judgment for plaintiff, and defendant brings error. Reversed.

*W. H. Rouse*, of Clintwood, *J. Norment Powell*, of Bristol, and *Morison, Morison & Robertson*, of Big Stone Gap, for plaintiff in error.

*Sutherland and Sutherland*, of Clintwood, for defendant in error.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.